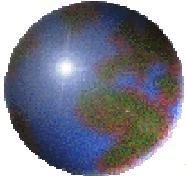


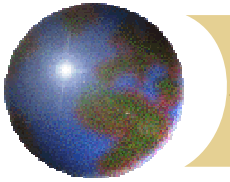
Criminal Code and Sentencing



Criminal Offenses

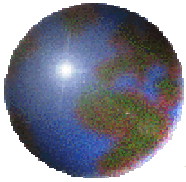
⊕ Felonies - *4 Classes*

⊕ Misdemeanors - *3 Classes*



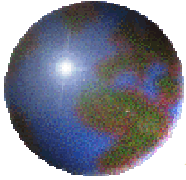
Indeterminate Sentence 902.3

When a judgment of a conviction of a felony is entered against a person, the court, in imposing a sentence of confinement, shall commit the person into the custody of the director of the Iowa department of corrections for an indeterminate term, the maximum length of which shall not exceed the limits as fixed by section 902.9, unless otherwise prescribed by statute, nor shall the term be less than the minimum term imposed by law, if a minimum sentence is provided.



Misdemeanor Offenses (§903.1)

- ✿ ***Simple Misdemeanor:*** fine of at least \$65, but not to exceed \$625. Jail not to exceed 30 days in lieu of fine.
- ✿ ***Serious Misdemeanor:*** Fine of at least \$315, but not to exceed \$1,875. Jail not to exceed 1 year.
- ✿ ***Aggravated Misdemeanor:*** Fine of at least \$625, but not to exceed \$6250. Imprisonment not to exceed 2 years.



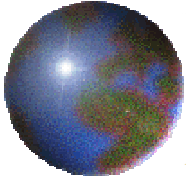
Felony Classes (§701.7)

⊕ Class “A”

⊕ Class “B”

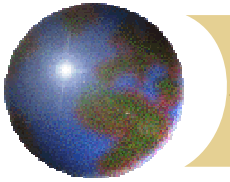
⊕ Class “C”

⊕ Class “D”



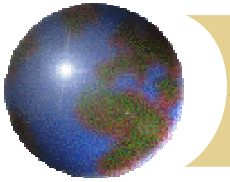
Class “A” Commutation

An offender sentenced to life imprisonment is confined in the DOC for the rest of their natural life. They **will not be considered for parole.** However, they can petition the governor to commute their sentence to a term of years and become parole eligible



Maximum Sentence for Felons (§902.9)

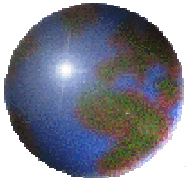
- ✚ ***Special Class Felony*** – conspiracy to manufacture for delivery amphetamine or methamphetamine to a minor – first conviction 124.401D no more than 99 years
- ✚ ***Class “B”*** – no more than 25 years
- ✚ ***Class “B”*** – murder 2nd no more than 50 years



Maximum Sentence for Felons (§902.9)

Continued

- ✚ ***Habitual Offender*** – no more than 15 years
- ✚ ***Class “C”*** – no more than 10 years, plus a fine of \$1,000-\$10,000
- ✚ ***Class “D”*** – no more than 5 years, plus a fine of \$750-\$7,500

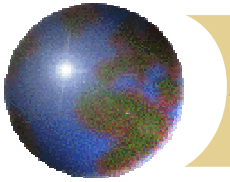


✿ *Reconsideration of Sentence or Shock*

Probation: The court will sentence the offender to a term of incarceration, the offender begins to serve the time, and upon favorable recommendations from prison officials, the court will **reconsider** the sentence, and place the offender on a probation.

Felony Reconsideration up to 1 year . 902.4

Misdemeanor Reconsideration up to 30 days. 903.2



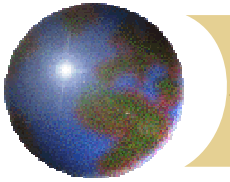
Reduction in Sentence (Earned Time)

I.C. 903A

Category “A” sentences: (Those sentences that are subject to reduction of sentence at 1.2 days for each day served upon admission.)

All sentences that are NOT category “B”

- ✚ 1.2 days for each day of successful participation in recommended or assigned programs (work, vocation, education, treatment). (Earned time will discontinue for any inmate who refuses to participate in required or recommended sex offender treatment. Earned time will only be reinstated upon successful participation and completion of SOTP).



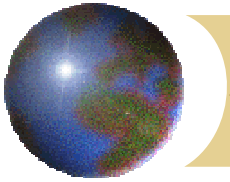
Reduction in Sentence (Earned Time)

I.C. 903A Continued

Category “B” sentences:

(Sentences that require a mandatory percent of sentence completion prior to release eligible.)

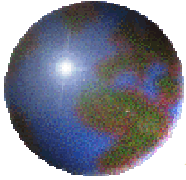
- ✚ Forcible Felony Sentences (I.C. 902.12) All sentences require 70% or 7 tenths of the sentence to be completed before earned time is applied to reduce remainder of sentence.
- ✚ Enhanced sentencing (Sexual Predatory Offenses) 901A.2 All sentences require 85% or 8.5 tenths of sentence to be completed before earned time is applied to reduce remainder of sentence.



Reduction in Sentence (Earned Time)

I.C. 903A Continued

- ✚ Jail credit is also applies to length of sentence and mandatory sentence at 1.2 days for each day.
- ✚ Discipline process can return all or part of sentence reduction.

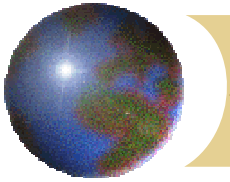


Forcible Felonies (§702.11)

- ✿ Any felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, arson in the first degree or burglary in the first degree.

It **is not**:

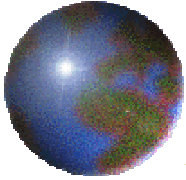
- ❑ Willful injury
- ❑ Sexual abuse in the third degree
- ❑ Sexual exploitation by counselor or therapist
- ❑ Child endangerment resulting in bodily injury



Forcible Felonies Continued

Minimum Sentence – Eligibility of Prior Forcible Felon for Parole or Work Release – 902.11

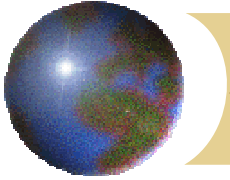
A person serving a sentence for conviction of a felony, who has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, shall be denied parole or work release unless the person has served at least one-half of the maximum term of the defendant's sentence.



70% Rule (§902.12)

2004 changes continued

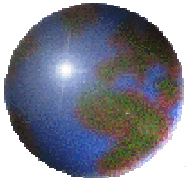
- Attempted murder (25 yrs) 707.11
- Sexual abuse in the 2nd (25 yrs) 709.3
- Kidnapping in the 2nd (25 yrs) 710.3
- Murder in the 2nd (50 yrs) 707.3
- Robbery in the 1st (25 yrs) or 2nd (10 yrs) 711.2 and 711.3
- Vehicular homicide (25 yrs) (10 yrs) 707.6A 1 & 2



Minimum Sentence for Certain Felonies (70% rule) (§902.12)

A person serving a sentence for a conviction of the following felonies, including a person serving a sentence for conviction of the following felonies prior to July 1, 2003, shall be denied parole or work release unless the person has served at least **seven-tenths** of the maximum term:

2004 legislative changes in *Italic*

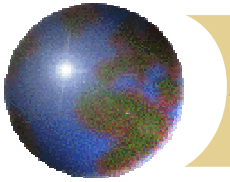


70% Rule

- ✿ An offender who is serving a sentence under section 902.12 who is released on parole or work release shall reside in a residential facility for not less than one year.

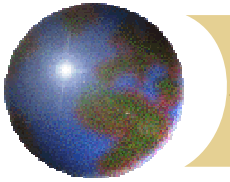
Residential Facility Residency - - Minimum – 905.11

A person who is serving a sentence under section 902.12, the maximum term of which exceeds ten years, and who is released on parole or work release shall reside in a residential facility operated by the district department for a period of not less than one year.



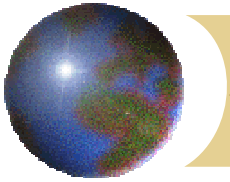
Sexual Predatory Offenses (§901A.1)

- ⊕ Violation of Chapter 709
- ⊕ Sexual exploitation of a minor 728.12-1
- ⊕ Enticing a minor to runaway 710.10-1
- ⊕ Pandering involving a minor 725.3-1
- ⊕ Any offense involving an attempt to commit an offense contained in this section
- ⊕ An offense under prior law of this state or in another jurisdiction similar to any of the above



Enhanced Sentencing (§901A.2)

- ✚ Sentencing laws for certain offenses classified as **Sexual Predator Offenses**
 - ✚ One prior misdemeanor – sentenced to and serve twice the maximum before parole eligible
 - ✚ Two or more misdemeanor – shall serve 10 year
 - ✚ One felony – twice the maximum or 25 years, whichever is greater
 - ✚ Two or more – sentenced to life under Class “A”
 - ✚ All sentences must serve 85%

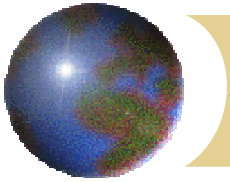


Special Sex Offender Sentences

(Effective July 1, 2005)

903B.1 Special Sentence - -- Class "B" or Class "C" Felonies.

A person convicted of a class "C" felony or greater offense under chapter 709, or a class "C" felony under section 728.12, shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa Department of Corrections for the rest of the person's life, with eligibility for parole as provided in chapter 906.

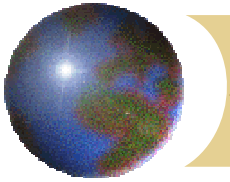


Special Sex Offender Sentences

(Effective July 1, 2005)

903B.1 Special Sentence - -- Class "B" or "C" Felonies Continued

The special sentence imposed under this section shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole. The revocation of release shall not be for a period greater than two years upon any first revocation, and five years upon any second or subsequent revocation. A special sentence shall be considered a category "A" sentence for purposes of calculating earned time under section 903A.2.

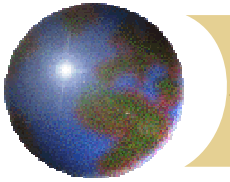


Special Sex Offender Sentences

(Effective July 1, 2005)

903B.2 Special Sentence – Class “D” Felonies or Misdemeanors.

A person convicted of a misdemeanor or a class “D” felony offense under chapter 709, section 726.2, or section 728.12 shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa department of corrections for a period of ten years, with eligibility for parole as provided in chapter 906.

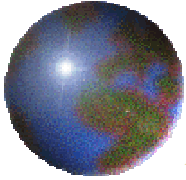


Special Sex Offender Sentences

(Effective July 1, 2005)

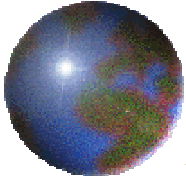
903B.2 Special Sentence – Class “D” Felonies or Misdemeanors.

The special sentence imposed under this section shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole. The revocation of the release shall not be for a period greater than two years upon any first revocation, and five years upon any second or subsequent revocation. A special sentence shall be considered a category “A” sentence for purposes of calculating earned time under section 903A.2.



Other Special Felony Sentences

- ✿ *Use of a Dangerous Weapon (§902.7)*
Mandatory 5 Years
- ✿ *Habitual Offender (§902.8)*
Mandatory 3 Years
- ✿ *Conspiring to Manufacture, or Delivery of, Amphetamine or Methamphetamine to a Minor (§902.8A)*
Mandatory 10 Years



Consecutive Sentences (§903A.7)

If the court orders that two or more sentences are to run consecutively, this means they are added together as one continuous term of imprisonment for the purpose of Earned Time.